UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,470	03/12/2001	Safi Qureshey	SQURESH.001CP1	1209

20995 7590 07/27/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
TRAN, PABLO N	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,470	QURESHEY ET AL.	
	Examiner	Art Unit	
	Pablo N. Tran	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/24/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/12/04, 04/24/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-30 and 32-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (5,949,492) in view of Logan et al. (6,088,455).

As per claims 1, 30, 32-35, 40, and 45-46, Mankovitz disclosed a stereo system for listening to a variety of audio sources having a visual display (fig. 3/no. 101), user control buttons and menu buttons (fig. 3, col. 9/ln. 36-col. 10/ln. 47), a tuner circuitry (fig. 4/no. 207), audio amplifiers (fig. 4/no. 211, fig. 9/no. 711), loudspeakers (fig. 4/element headphones/speakers), a network interface (fig. 9/no. 707), a data storage device (fig. 4/no. 202, 203, 210, fig. 9/no. 702, 704, 705), a decode software module configured to decode compressed audio files into a computer readable format (col. 4/ln. 47-58), a communication software module configured to use said network interface to connect to an Internet to said web sites to download said audio files and a third software module configured to use said network interface to connect to said Internet to receive digitized audio broadcasts from said Internet, said module configured to provide a select

broadcast display to allow the user to selectable connect a module broadcast to the input of said one or more audio amplifiers either from broadcast radio or from said Internet to allow a user to choose between Internet content and broadcast radio content (fig. 29A, fig. 35E-35J, col. 3/ln. 58-60, col. 9/ln. 36-45, col. 28/ln. 53-col. 29/ln. 27, col. 32/ln. 1-8).

Mankovitz disclosed that the stereo system comprise such play back player but not explicitly a compact dick player. However, such is notoriously well known in the art, as taught by Logan et al. (col. 6/ln. 60-col. 7/ln. 5, col. 7/ln. 36-37). Therefore, it would have been obvious to one of ordinary skill in the art to provide such player to the radio system of Mankovitz in order to provide such convenient to the user as to when to play back his/her favorite songs at the leisure time.

As per claims 2-3, and 25, the modified radio system of Mankovitz does not explicitly suggest MP3 or window media formats. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such audio format to the modified radio system of Mankovitz in order to utilize such well-known audio format to provide the user such flexibility and easy downloading of audio files.

As per claim 4, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 7/ln. 12-37).

As per claim 5, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 7/ln. 66-col. 8/ln. 11).

As per claim 6, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 20, col. 2/ln. 61-col. 3/ln. 57, col. 8/ln. 25-col. 3/ln. 35).

As per claim 7, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 12/ln. 57).

As per claims 8 and 36, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14.ln. 40).

As per claims 9 and 37-38, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claim 10, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 11 and 17-19, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 16/ln. 5-11).

As per claims 12-13, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 2/ln. 61-col. 3/ln. 57).

As per claims 14-15, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claim 16, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 20-21, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claims 22 and 49, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 2/ln. 61-col. 3/ln. 57).

As per claim 23, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 5/ln. 17).

As per claim 24, the modified radio system of Mankovitz does not explicitly a TOS link. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such link for the playback player of the modified radio system of Mankovitz in order to provide optimum digital recording with minimum sound degradation.

As per claims 26-29, the modified radio system of Mankovitz does not explicitly a shuttle button. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such button to the modified radio system of Mankovitz in order to provide the user such mean to easily manipulation of scrolling and making selections.

As per claim 39, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 41-42, he modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claim 43, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claim 44, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 2, see Logan et al., fig. 1).

As per claim 47, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 12).

As per claim 48, as stated above in claim 1, the modified radio system of Mankovitz does not explicitly suggest that the display having dimension of not more than four inches. However, such is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide such display's dimension to the modified radio system of Mankovitz in order to provide adequate display space for the user to easily see the information being displayed.

Response to Arguments

3. Applicant's arguments filed 04/24/06 have been fully considered but they are not persuasive.

Regarding claim 1, the Applicant stated that, Mankovitz does not teach or suggest allowing a user to receive assignments of playlist comprising audio data from a

variety of audio sources and information about the location of web sites containing the audio sources, or allowing the user to select between internet and broadcast radio sources. In response to the Applicant, Mankovitz disclose such playlist of audio data from various audio sources (fig. 29A, fig. 35E-35J, col. 28/ln. 53-col. 29/ln. 27, col. 32/ln. 1-8) wherein the broadcast audio data can be download from the Internet or regional broadcast radio stations (col. 3/ln. 58-60, col. 9/ln. 36-45) and allow the user to select from a channel from among the play list.

Regarding claims 2-49, the Applicant need to explicit stated as to why either alone or combine that Mankovitz and Logan et al. do not teach rather that just simply restated that the cited combination does not teach the claim limitation for claims 2-49. Therefore, the Applicant's argument is not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see httpr//pair-directauspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PABLO N. TRAN
PRIMARY EXAMINER

July 22, 2006

AU2618